IN THE HIGH COURT OF JUDICATURE,
ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.16775 of 2006

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Dated: February 09, 2007

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Between:

Smt. P. Avanathi, D/o. P. Kumar, aged about 23 years, Occ: Student, R/o. Flat No.301, III Floor, Gopi Nilayam, Housing Board Colony, Moula-Ali, Hyderbad.

... Petitioner

And

The Principal/Secretary, Holy Jesus & Mary P.G. College of Computer Science, Tarnaka, Secunderabad, and others.

... Respondents

Order:

Petitioner, a student of Master of Computer Applications in the first respondent-college, has filed this Writ Petition seeking Mandamus to declare the action of respondents 2 and 3 in withholding her results in respect of M.C.A. II Semester, written by her in May, 2006, as illegal and arbitrary and a consequential direction to announce her results.

2. Petitioner was admitted in the aforesaid course in the year 2004 and prior to that, when she was in the final year degree course, she got married. It is stated that she has completed her first semester examinations and also sat for second semester examinations in May, 2006. It is her case that when she was studying second year, she got pregnant and applied for maternity leave to the first respondent on 16-01-2006 for a period of two months, requesting to permit her for second semester examinations. The first respondent has forwarded the said requisition to the second respondent. In response to the same, second respondent has addressed to the first respondent stating that the petitioner has put in only 51 % attendance as against the required percentage of attendance, i.e. 60 %, after condoning absence for three weeks due to pregnancy and since the petitioner has put in 51 % attendance, she is not eligible to appear for II semester examinations. The case of the petitioner is that in spite of such a letter, respondents have received fee for the second semester and allowed her to sit for the examination, which she has completed vide Hall Ticket No.034-05-035. Her grievance is that third respondent addressed a letter to the first respondent stating that she is not eligible to appear for second semester examinations and as she has already appeared for examinations, there is no alternative except to withhold her results and accordingly her results were withheld.

3. Initially, basing on the nominal roll sent by the college, giving the benefit of six weeks absence in an

academic year, petitioner was found to have possessed requisite percentage of attendance as per the academic regulations and hence she was allowed to sit for examinations. However, subsequently, on the ground that she is entitled for only three weeks absence in semesters on account of pregnancy, her results were withheld.

4. The University has framed rules and regulations in respect of attendance of students studying various courses. Rule 4 (b) of the said rules reads as under:

> " In case of women candidates a maximum of 6 weeks absence on account of pregnancy may be condoned in an academic year. Such leave shall not be availed twice during the concerned course of study".

5. From the aforesaid rule, it is clear that a woman candidate is eligible for six weeks of absence in an academic year on account of pregnancy. Though the course, which the petitioner is studying, is based on semester system, but as per the aforesaid rule, condonation of absence is provided in an academic year. It is not in dispute that if the petitioner is given the benefit of six weeks of absence on account of pregnancy, she possesses requisite percentage of attendance. In any event, in matters of such nature involving careers of students, the aspect of attendance is to be scrutinized at the initial stages when students are allowed to write for examinations. Here is a case where the petitioner was allowed to appear for examinations on the ground that she is

eligible, and later, her results are withheld stating that she was ineligible to appear for the said examinations. As per Rule 4(b) of the rules referred above, petitioner possesses requisite percentage of attendance.

6. This court, by order dated 04-09-2006, in WPMP No.16775 of 2006, directed respondents to publish the results of the examinations written by the petitioner and allow her to prosecute further studies.

7. In the circumstances, I dispose of the Writ Petition, making the aforesaid order of this court absolute and directing the respondents to announce the results of the petitioner and allow her to prosecute further studies. No costs.

JUSTICE R. SUBHASH REDDY.

February 09, 2007
MRR